

17. W. Bullock – J White Use of Force Investigation



156 Church Street, Suite 004
Henderson, North Carolina 27536-5574

Office of the Sheriff

Vance County

EXHIBIT "A"

Telephone 252-738-2200
Fax 252-738-2220



Sheriff Peter White

ADMINISTRATIVE INVESTIGATION

COMPLAINANT: LATWANYA S. OLIVER

ACCUSED: DEPUTY JUSTIN WHITE

INVESTIGATING OFFICER: CAPTAIN W.W. BULLOCK

PREPARED BY: CAPTAIN W.W. BULLOCK *WJB*

NATURE OF COMPLAINT: USE OF FORCE

CASE SYNOPSIS:

On Sunday, October 21, 2018 @ 2000hrs Deputy White was on patrol near the N. Garnett St area when he observed a car traveling north on Garnett Street at a speed greater than the posted speed limit. According to White, the vehicle at one point nearly rear-ended another vehicle while traveling north on Norlina Rd. White stated he ran the vehicle registration thru 911. The dispatcher gave him the registration information, White stated 10-4, any 29s, the dispatcher immediately replied negative. White stated to me in the presence of Capt. Watkins he specifically asked for warrant information on the registered owner, but the 911 tape revealed he didn't. White continue to follow the vehicle onto Warrenton Rd from Norlina until the vehicle pulled into the lot of the Shell Station on Warrenton Rd. White pulled into the lot from the Carey Chapel Rd side, never activated his blue lights, but engaged in conversation with the driver, Latwanya Oliver, while he remain in his patrol vehicle. According to White, Oliver became irritated when he drew attention to her previous speed. The two of them exchanged conversation, but Oliver walked away from White. Some point shortly afterwards, White returned to the Sheriff's Office to check for warrants on Oliver. According to White, 911 dispatch has often failed to verify warrants on wanted people he has requested a warrant check. White discovered that Ms. Oliver had 2 outstanding felony warrants.

On Monday, October 22, 2018 @ 0152hrs, White went to 52 Daisy Lane Henderson, NC (see included CFS Report# 1810-049292) and check out at this location as 10-63 (Investigation). White clear the scene approximately 13 mins later. According to White, he knocked at the front and rear door, but no one responded. According to Oliver, someone came to her house @ 0200hrs knocking on the door. She thought it was a friend of hers, and didn't respond. Even though White checked out on an investigation, his intent was to serve the outstanding warrants.

Prior to White going to the residence, he asked Sgt. Welborn to accompany him, but Sgt. Welborn told him no.

White came back to work on night shift on Monday, October 22, 2018 for his 1800-0600hrs duty shift. White returned to 52 Daisy Lane Henderson NC and check out at this location for 10-29 service @ 2016hrs (see included CFS Report# 1810-049445). According to White he identified himself as Deputy White and told Oliver she had a warrant for her arrest. Oliver cooperated with White's instructions until he tried to handcuff her when he got to his patrol vehicle. White said at the point "All hell broke loose". White was able to get 1 handcuff on Oliver. White said (in summary) Oliver began pushing her weight towards his body, pulling away from him, struck his legs 2x leaving a red mark on him, and was failing to obey his request; refusing to get into his patrol car. White stated he performed a takedown maneuver (according to Oliver in effect slamming her to the ground) which he stated was an approved subject control technique (See included Incident Report 18013870). According to Oliver, White slammed her down without his weight upon her, and then cuff her while she was on the ground. While interviewing White in my office with Capt. Watkins as a witness, I asked White what takedown maneuver he was referring to? He stated he didn't know the name of it. Deputy White asked me if there were any other incidents with this agency where someone's arm was broken. I told him I could not recall any incident to that extent.

While Oliver was on the ground, White was able to get the second handcuff on her. She immediately started complaining about her arm being broken. While she was handcuffed on the ground, White radioed in a loud panic voice "S33 Central send me some units to my location". Units acknowledged the traffic and responded code 3 (10-18) towards his location. White then stated "33 Central run um EMS emergency traffic as well have them stage". You could hear someone moaning in the background of his radio traffic. When 911 Dispatch asked could he provide reference (nature of needing EMS), White stated "10-4 use of force Central they will receive further when they get here". White never did acknowledge to the responding units the true nature of his request, and the responding LEO's thought he had shot someone. It was only when Sgt. Welborn arrived on scene the urgent nature of the request was downgraded. Lt. Goolsby and Sgt. Welborn stated Oliver was some distance away from the patrol vehicle when they arrived. This would suggest Oliver was slung downward in a slamming motion away from the patrol vehicle. White stated in his report that Oliver stated a frivolous verbal complaint against him. He was referring to a comment Oliver made to Lt. Goolsby when he arrived on scene. After several examinations of her arm, EMS determined Oliver' left arm was broken; therefore, she was transported to MPMC.

White was instructed to return to the office and start his paperwork, while Lt. Goolsby and Sgt. Welborn went to MPMC. According to MPMC records, Oliver sustained fracture of the Humerus (see After Care Instructions). White determined that Oliver should be charged with Felony Physical Injury to LE and Felony Obstructing Justice; along with the 2 outstanding warrants for Felony Obtaining Property by False Pretense

ILLUSTRATIONS:

Incident Report 18013870
Use of Force Report



Statement of Lt. Goolsby
Statement of Sgt. Welborn
CFS Report 1810-049445
CFS Report 1810-049292
Disk of 911 recording
After Care Instruction from MPMC for Latwanya Oliver
Statement of Latwanya Oliver

CONCLUSION:

Deputy White's actions throughout this process appeared to be over heightened in nature. Deputy White seemed overly excited with his request for assistance, causing responding units to be put at a greater risk of danger than necessary; at a point where Oliver was completely detained only needed non-emergency treatment. Deputy White's Use of Force appear to be contrary to Use of Force Directive B.9 I. Policy " it is the policy of the Vance County Sheriff's Office that deputies shall use only that force which is reasonably necessary to effectively bring an incident under control...." Deputy White could have used other options prior to slamming Oliver to the ground. Deputy White has mace at his disposal, but believed it to be ineffective because Oliver was wearing glasses and moving uncontrollably. Deputy White's "take down" maneuver was contrary to policy in that it cause a fracture of the Humerus bone in her left arm.

RECOMMENDATION:

It is the recommendation of Capt. Watkins, Lt. Goolsby, Sgt. Welborn and the Investigator Officer that Deputy Justin White' service with the Vance County Sheriff's Office is no longer needed.



Use of Force

Directive B.9

Effective 7/15/2009

I. POLICY

This policy establishes guidelines related to the use of force, reporting, review, and analysis.

The Vance County Sheriff's Office recognizes and respects the value and special integrity of each human life. By vesting deputies the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the Vance County Sheriff's Office that deputies shall use only that force which is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer or another. Deputies shall use physical force in arrest and custody situations only in strict conformance with the United States Constitution, laws of North Carolina, and this policy.

Approved Weapons

- A deputy shall, while on or off duty, only carry weapons and ammunition authorized or approved by the Sheriff.

Impact Weapons

- The riot and expandable (ASP) batons are the only impact weapons issued to deputies of the Vance County Sheriff's Office. Deputies must complete the appropriate training prior to receiving authorization to carry or use these weapons.

Chemical Agents

- Only Sheriff's Office issued chemical agents may be carried and used by deputies of the Vance County Sheriff's Office.
- Prior to the issuance of Oleoresin Capsicum Spray (OC Spray), all deputies shall receive training in its use, which will include instruction and actual application to afford the deputy an understanding of the effects. Any use of OC Spray other than in a training situation or spraying of animals for self-protection shall be reported as required by this policy.

Use of Other Chemical Agents

- Authorization to employ tear gas or other chemical agents in riot situations or for other applications involving large numbers of people must be obtained from the Sheriff's Office Captain or higher authority or his/her designee. Any use of tear gas or chemical agents except in a training situation must be reported on the appropriate Incident Report.



ARREST REPORT

AGENCY INFO.	Agency Name VANCE COUNTY SHERIFF'S OFFICE		ORI NC0910000	Date/Time of Arrest Mo: 10 Day: 22 Year: 2018 Hrs: 23:23		OCA 18013871	
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKM)	Arrest Tract	Residence Tract	Arrest Number 1		
ARRESTEE INFORMATION	Name (Last, First, Middle) OLIVER, LATWANYA SHAWNTEL			D.O.B. 02/05/1977	Age 41	Race B	Sex F
	Current Address 52 DAISY LANE, HENDERSON, NC 27537			Phone (919) 514-7885	Occupation	<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident	
	Employer's Name PACIFIC COAST FEATHERS			Address 100 COMFORT DR, Henderson, NC 27536		Phone (252) 436-2300	
	Also Known As (Alias Names) OLIVER, LATWANYA L, HENDRICKS, LATWANYA SHAWNTEL; He			Hgt 507	Wgt 275	Hair BLK	Eye BRO
	Social Security # 239-25-2354			OLN and State 28617872 NC	Misc. # and Type		
	Nearest Relative Name			Address		Phone	
ARREST INFO.	If Arrested, Type of Weapon 97 - Not Applicable/None		<input type="checkbox"/> On-View <input type="checkbox"/> Criminal Summons <input type="checkbox"/> Order for Arrest <input type="checkbox"/> Citation <input checked="" type="checkbox"/> Warrant		Place of Arrest MAGISTRATES OFFICE, Henderson, NC 27536		
	Charge #1 Obtaining Property by False Pretense	<input checked="" type="checkbox"/> Fel <input type="checkbox"/> Misd	Counts 2	DCI Code 1120	Offense Jurisdiction (If not arresting agency)	Statute # 14-100	Warr. Date Mo: 11 Day: 03 Yr: 2017
	Charge #2 ASSAULT PHY INJ LE/PROB/PAR OF	<input checked="" type="checkbox"/> Fel <input type="checkbox"/> Misd	Counts 1	DCI Code 0811	Offense Jurisdiction (If not arresting agency)	Statute # 14-34.7C1	Warr. Date Mo: 10 Day: 22 Yr: 2018
	Charge #3 OBSTRUCTING JUSTICE	<input checked="" type="checkbox"/> Fel <input type="checkbox"/> Misd	Counts 1	DCI Code 2690	Offense Jurisdiction (If not arresting agency)	Statute # COMMON LAW	Warr. Date Mo: 10 Day: 22 Yr: 2018
VEH. INFO.	VYR	Make	Model	Style	Color	Lot/Ln	Vin
	Vehicle: 1. <input type="checkbox"/> Left at Scene <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured Date/Time _____ Hrs _____ 2. <input type="checkbox"/> Released to other at owner's request <input type="checkbox"/> Name of Other _____ 3. <input type="checkbox"/> Impounded <input type="checkbox"/> Place of Storage _____ Inventory on File? _____						
CONFINED BOND INFO.	Date/Time Confined 10/22/2018 23:30 Hrs		Place Confined VANCE COUNTY JAIL		Committing Magistrate COWAN		
	Type Bond <input type="checkbox"/> Written Promise <input type="checkbox"/> Unsecured <input checked="" type="checkbox"/> Secured <input type="checkbox"/> No Bond <input type="checkbox"/> Other	Amount Bond \$15,000		Trial Date 11/19/2018	Court of VANCE DISTRICT	City HENDERSON	
STATUS	Assigning Officer Name/ID Number			Released By: Name/Dep/ID		Date/Time Released Hrs	
	Status Codes: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Bonded C = Counterfeit / Forged F = Found (Check "OU" column if recovered for other jurisdiction)						
DRUGS AT TIME OF ARREST	DCI	Status	Quantity	Type Measure	Suspected Type	Check up to 3 types of activity for each	
						Possess	Buy Sale Mfg. Importing Operating
COMPLAINANT	Name: Complainant <input type="checkbox"/> Victim <input type="checkbox"/>			Address:		Phone:	
	NARRATIVE ON 10/22/18, 2300 HOURS APPROXIMATELY I SERVED THE AFOREMENTIONED CHARGES AT THE MAGISTRATES OFFICE DUE TO INJURY ARISING OUT OF THE USE OF FORCE, SAME WAS GIVEN AN UNSECURED BOND. THE MAGISTRATES WAS TRANSPORTED MARIA PARHAM HOSPITAL TO DO THE INITIAL APPEARANCE.						
STATUS	Arresting Officer Signature/ID # DEPUTY J. J. WHITE 259		Date/Time Submitted Mo: 10 Day: 23 Year: 2018 Hrs: 6:00		Supervisor Signature		
	Case Status: <input type="checkbox"/> Further Inv. <input checked="" type="checkbox"/> Inactive <input type="checkbox"/> Closed		Case Disposition: <input checked="" type="checkbox"/> Cleared By Arrest / No Supplement Needed <input type="checkbox"/> Arrest/No Investigation		Arrestee Signature		

DCI-608F

Rev. 3/92



Division: Patrol	Computer Number #259	Rank / Name (First, M.I., Last)
Patrol Division	259	Justin J White

Statement

On 10-22-18, 2016 hours, I notified dispatch of a warrant service at 52 Daisy Lane, Henderson, NC 27537. I knocked on the front door and I heard a female ask, who is it? I identified myself as Deputy White with the Vance County Sheriff's Office. The female asked again, who is it? I re-advised the aforementioned. The female stated, I don't believe you, shine your light so I can see you. I adhered to her request and she said, oh ok and opened the front door. The female turned out to be Ms. Latwanya Shawntel Oliver, who was wanted on 2 felony counts of obtaining property by false pretense. Prior to going to the residence, I asked dispatch to verify the felony warrants and they advised same were active. I told Ms. Oliver she had felony warrants and she stated, Lawd, what have I done-I aint done nothing wrong. I stated, you are under arrest and will find out further at the magistrates office. Ms. Oliver stated, I haven't done nothing-can I call my daughter and let her know? I told her she can make a phone call at the station. She said, well, ok, let me get my keys, turn off my lights, lock up my house and stuff. Can I do that? Because you are just ugh. I replied, yes, you can do that. Ms. Oliver turned off some of her lights and walked out of the front door and I asked, aren't you going to lock up and she turned around and said, I forgot, let me get my keys of the dresser and she said we are going to have to go out of the back door because something is wrong with the front door. When we walked out of the back door, she did not pull it all the way through and I pulled it for her and asked, do you have a deadbolt key and she said yes but something is wrong with it. As she was approaching my patrol vehicle, I told her to stop and submit to the handcuffs. She replied, why do you have to handcuff me? I told her it is for my safety as well as yours (standard procedure). I was able to get one handcuff on her and she became irate and would not comply with my lawful orders. She screamed to the top of her lungs help, help, help me- your not taking me anywhere until' I see some papers-I'm not going anywhere. I told her to calm down and that she was making the situation worst. I told her cooperation goes along way with law enforcement when you go before the magistrate or judge. Ms. Oliver stated, ok, sir, I apologize. I went to handcuff the second arm and she went crazy, she lost it. She pulled away from me while saying no, no, I'm not going, leave me alone. I placed her up against my car, opened the rear passenger door instructed her to get in and she became extremely combative by yelling no, I'm not going no where, help, help. She pushed her body against mines and struck me in the lower leg twice. I performed a takedown maneuver, which is an approved subject control technique. To prevent additional manipulation of the handcuffs, I tightened them while on the ground. Ms. Oliver stated, you broke my arms, oooowwwwwww, oooowwwwwww my arms are killing me, they are hurting sir, I think my arms are sprained, I'm in so much pain. I immediately radioed for EMS 10-18 due to injuries sustained from a use of force (2024 hours). Prior to, I called for backup at 2022 hours. Sgt. Welborn arrived on scene first as back up and I told him, she has felony warrants, refused to comply, pulled away and assaulted me. EMS arrived and stated, her arm is not broke because she can move her shoulders. Ms. Oliver continued to scream in pain and the EMS



Supervisor re-examined her arm and said, yep, it is broken. Ms. Oliver was transported to Maria Parham Hospital in Henderson, NC for further medical treatment. I acted in good faith to arrest Ms. Oliver and when she refused I took action as authorized. I used reasonable force to achieve the law enforcement objective and to gain compliance and to ensure public safety. I afforded her every opportunity to comply with my lawful orders and she refused. I do not have a taser and pepper spray would have been ineffective as she was moving uncontrollably and had glasses on, which would have caused same to ricochet (more likely than not). Officer presence and verbalization did not work. Thus, I had to go hands on. I made a good faith effort to maintain and restore order. I followed the objective reasonableness standard under the 4th Amendment to arrest the defendant and to seize her person due to the outstanding felony warrants notwithstanding other violations of law (assault on a law enforcement officer and resisting arrest). It should be noted, Ms. Oliver has a record of communicating threats, simple assault and assault with a deadly weapon (aggravating factors on her part and mitigating factors for me). Ms. Oliver filed a verbal frivolous complaint against me for pulling her over and harassing her at the Shell Gas Station on Warrenton Road. I did not pull her over, I never turned on my lights and sirens. I noticed a car traveling at a high rate of speed on North Garnett Street passing Parker and Bickett Streets, Old Norlina Road and Spring Valley Drive. On 10-21-2018, 2130 hours approximately, I was patrolling Old Norlina Road going towards Main Street (the intersection of Garnett, Beckford, Main and Chestnut). The vehicle was clearly exceeding safe speed. I brought my vehicle up to 60 mph and had trouble keeping up with her in a 35 MPH Zone. It was not until she almost rear-ended a dark in color truck at the Handy Mart beside Forsyth Skippers that she slowed down but picked the speed right back up. It should be noted, she has a horrible DMV record, 15 speeding tickets, various running a red light/stop signs and several accidents. Had I known this at the time, I would have pulled her and took appropriate action. I ran the tag, which came back active and valid. I asked dispatch to run the registered owner for warrants, which came back negative. Ms. Oliver pulled into the Shell Gas Station and I pulled around to the Carey Chapel Road entrance for the station and saw her exit the vehicle (FFS-2692) and told her to slow it down and to watch her speed. I was trying to have open dialogue with her (community oriented policing) and she started screaming and yelling for no reason, I know my rights, you should have pulled me back there and wrote the ticket, I know my rights. I advised her it was not too late to write the ticket but I'm trying to talk to you about not speeding in the future. She said, well, write the ticket then and you have a good day. Due to dispatch failing to properly do a warrant check (public safety issue), I was unaware she had felony warrants. It is unfortunate that injuries occurred, however, I have a job to do and the general welfare of the public is first and violators must be apprehended pursuant to standard operating procedures, general statute, common law and judicial precedent (state and federal case law). See Use of Force Report. This is an account of what happened and I reserve the right to amend this statement (addendum) as the situation happened so quickly.

DCI-600F



INCIDENT/INVESTIGATION REPORT

Page 2

OCA
18013870

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found												
DRUGS	DCI	Status	Quantity	Type Measure	Suspected Type			Check up to 3 types of activity for each					
								Possess	Buy	Sale	Mfg.	Importing	Operating
OFFENDER	Offender Used Alcohol/Drugs <input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Offender 1 Age: 41 Race: B Sex: F		Age: Race: Sex:		Age: Race: Sex:		Age: Race: Sex:		Primary Offender Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown		
	Computer <input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Age: Race: Sex:		Age: Race: Sex:		Age: Race: Sex:		Age: Race: Sex:				
SUSPECT	Name (Last, First, Middle) OLIVER, LATWANYA SHAWNTEL				Alias or Nickname LATWANYA L OLIVER ; LATWANYA SHA				Home Address 52 DAISY LANE, HENDERSON, NC 27537				
	Occupation				Business Address PACIFIC COAST FEATHERS - 100 COMFORT DR, Henderson, NC 27536								
	DOB / Age 02/05/1977 41		Race B	Sex F	Height 5'07"	Weight 275	Build	Hair Color BRO	Hair Style STR	Hair Length LNG	Eye Color BRO	Glasses Yes	
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)												
	Hat	Jacket	Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Skirt	Socks	Shoes					
	Was Suspect Armed?		Type of Weapon				Direction of Travel			Mode of Travel			
VYR	Make	Model	Style	Color	Lic/Lis	Vin							
WITNESS	Name (last, first, middle)				DOB / Age		Race	Sex	OCA				
	Home Address				Home Phone		Employer			Phone			
	Suspect Hate / Bias Motivated: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>												
NARRATIVE	Narrative												
	CFS # 1810-049445												
	MSHEARIN6865 - 2018-10-22 20:22:50												
	S33ADV SEND HIM SOME UNITS AT HIS LOCATION												
	MSHEARIN6865 - 2018-10-22 20:24:56												
	S33 IS REQUESTING EMS 10-18 TRAFFIC REF USE OF FORCE												
	JCROTTY9997 - 2018-10-22 20:39:55												
	OLIVER, LATWANYA SHAWNTEL 02/05/1977 BLACK FEMALE 26617872 NC 52 DAISY LN												
	HENDERSON, NC 27537-3095 239-25-2354 VANCE												
	17CR53133 WARRANT FOR ARREST OBTAIN PROPERTY FALSE PRETENSE NO NO NCAWARE ELECTRONIC												
	98 OLIVER, LATWANYA SHAWNTEL 02/05/1977 BLACK FEMALE 26617872 NC 52 DAISY LN												
	HENDERSON, NC 27537-3095 239-25-2354 VANCE												
	17CR53134 WARRANT FOR ARREST OBTAIN PROPERTY FALSE PRETENSE NO NO NCAWARE ELECTRONIC												
	CAD Disposition = B ARREST MADE												
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I re-advised the aforementioned. The female stated, I don't believe you, shine your light so I													



CONTINUATION PAGE

1. AGENCY VANCE COUNTY SHERIFF'S OFFICE	2. ORI NC0910000	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 18013870
<p>Narrative can see you. I adhered to her request and she said, oh ok and opened the front door. The female turned out to be Ms. Latwanya Shawntel Oliver, who was wanted on 2 felony counts of obtaining property by false pretense. Prior to going to the residence, I asked dispatch to verify the felony warrants and they advised same were active. I told Ms. Oliver she had felony warrants and she stated, Lawd, what have I done-I aint done nothing wrong. I stated, you are under arrest and will find out further at the magistrates office. Ms. Oliver stated, I haven't done nothing-can I call my daughter and let her know. I told her she can make a phone call at the station. She said, well, ok, let me get my keys, turn off my lights, lock up my house and stuff. Can I do that? Because you are just ugh. I replied, yes, you can do that. Ms. Oliver turned off some of her lights and walked out of the front door and I asked, aren't you going to lock up and she turned around and said, I forgot, let me get my keys of the dresser and she said we are going to have to go out of the back door because something is wrong with the front door. When we walked out of the back door, she did not pull it all the way through and I pulled it for her and asked, do you have a deadbolt key and she said yes but something is wrong with it. As she was approaching my patrol vehicle, I told her to stop and submit to the handcuffs. She replied, why do you have to handcuff me? I told her it is for my safety as well as yours (standard procedure). I was able to get one handcuff on her and she became irate and would not comply with my lawful orders. She screamed to the top of her lungs help, help, help me-your not taking me anywhere until' I see some papers-I'm not going anywhere. I told her to calm down and that she was making the situation worst. I told her cooperation goes along way with law enforcement when you go before the magistrate or judge. Ms. Oliver stated, ok, sir, I apologize. I went to handcuff the second arm and she went crazy, she lost it. She pulled away from me while saying no, no, I'm not going, leave me alone. I placed her up against my car, opened the rear passenger door instructed her to get in and she became extremely combative by yelling no, I'm not going no where, help, help. She pushed her body against mines and striked me in the lower leg twice. I performed a takedown maneuver, which is an approved subject control technique. To prevent additional manipulation of the handcuffs, I tightened them while on the ground. Ms. Oliver stated, you broke my arms, oooowwwwww, oooowwwwww my arms are killing me, they are hurting sir, I think my arms are sprained, I'm in so much pain. I immediately radioed for EMS 10-18 due to injuries sustained from a use of force (2024 hours). Prior to, I called for back up at 2022 hours. Sgt. Welborn arrived on scene first as back up and I told him, she has felony warrants, refused to comply, pulled away and assaulted me. EMS arrived and stated, her arm is not broke because she can move her shoulders. Ms. Oliver continued to scream in pain and the EMS Supervisor re-examined her arm and said, yep, it is broken. Ms. Oliver was transported to Maria Parham Hospital in Henderson, NC for further medical treatment. I acted in good faith to arrest Ms. Oliver and when she refused I took action as authorized. I used reasonable force to achieve the law enforcement objective and to gain compliance and to ensure public safety. I afforded her every opportunity to comply with my lawful orders and she refused. I do not have a taser and pepper spray would have been ineffective as she was moving uncontrollably and had glasses on, which would have caused same to ricochet (more likely than not). Officer presence and verbalization did not work. Thus, I had to go hands on. I made a good faith effort to maintain and restore order. I followed the objective reasonableness standard under the 4th Amendment to arrest the defendant and to seize her person due to the outstanding felony warrants notwithstanding other violation of law (assault on a law enforcement officer and resisting arrest). It should be noted, Ms. Oliver has a record of communicating</p>			
Officer Name / ID DEPUTY J. J. WHITE - 259		Officer Signature 	Date / Time Submitted 10-23-18 / 0000 hrs
DCI-602 F		Page 3 of 5	REV 3/92



CONTINUATION PAGE

1. AGENCY VANCE COUNTY SHERIFF'S OFFICE	2. ORI NC0910000	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 18013870
Narrative threats, simple assault and assault with a deadly weapon (aggravating factors on her part and mitigating factors for me). Ms. Oliver filed a verbal frivolous complaint against me for pulling her over and harrasing her at the Shell Gas Station on Warrenton Road. I did not pull her over, I never turned on my lights and sirens. I noticed a car traveling at a high rate of speed on North Garnett Street passing Parker and Bickett Streets, Old Norlina Road and Spring Valley Drive. On 10-21-2018, 2130 hours approximately, I was patrolling Old Norlina Road going towards Main Street (the intersection of Garnett, Beckford, Main, Chestnut). The vehicle was clearly exceeding safe speed. I brought my vehicle up to 60 mph and had trouble keeping up with her in a 35 MPH Zone. It was not until' she almost rear-ended a dark in color truck at the Handy Mart beside Forsyth Skippers that she slowed down but picked the speed right back up. It should be noted, she has a horrible DMV record, 15 speeding tickets, various running a red light/stop signs and several accidents. Had I known this at the time, I would have pulled her and took appropriate action. I ran the tag, which came back active and valid. I asked dispatch to run the registered owner for warrants, which came back negative. Ms. Oliver pulled into the Shell Gas Station and I pulled around to the Carey Chapel Road entrance for the station and saw her exit the vehicle (FFS-2692) and told her to slow it down and to watch her speed. I was trying to have open dialogue with her (community oriented policing) and she started screaming and yelling for no reason, I know my rights, you should have pulled me back there and wrote the ticket, I know my rights. I advised her it was not to late to write the ticket but I'm trying to talk to you about not speeding in the future. She said, well, write the ticket then and you have a good day. Due to dispatch failing to properly do a warrant check (public safety issue), I was unaware she had felony warrants. It is unfortunate that injuries occurred, however, I have a job to do and the general welfare of the public is first and violators must be apprehended pursuant to standard operating procedures, general statue, common law and judicial precedent (state and federal case law). See Use of Force Report. This is an account of what happened and I reserve the right to amend this statement (addendum) as the situation happened so quickly.			
SUPPLEMENT #3 SGT. C. M. WELBORN - 170 10/23/2018 04:37			
ON 10-22-2018, I RESPONDED TO 52 DAISY LANE REFERENCE DEPUTY WHITE CALLING FOR ASSISTANCE. WHILE ENROUTE DEPUTY WHITE CALLED FOR EMS EMERGENCY TRAFFIC REFERENCE TO USE OF FORCE AND EMS WOULD BE TOLD MORE ONCE ON SCENE. WHEN I ARRIVED ON SCENE VANCE COUNTY EMS WAS ALREADY ON SCENE. WHEN I ARRIVED I NOTICE A BLACK FEMALE LAYING ON THE GROUND HANDCUFFED AND SHE WAS IDENTIFIED AS LATWANYA OLIVER. SHE WAS HOLLERING STATING HER ARM WAS BROKE. I ASKED DEPUTY WHITE WHAT HAPPENED AND HE STATED HE ATTEMPTED TO SERVE MRS. OLIVER WITH FELONY WARRANTS. DEPUTY WHITE STATED MRS. OLIVER STARTED RESISTING AND BECAME COMBATIVE KICKING HIM TWICE. DEPUTY WHITE STATED HE TOOK HER TO THE GROUND AND HANDCUFFED HER. DEPUTY WHITE STATED HE CALLED FOR ASSISTANCE AND EMS. VANCE COUNTY EMS FIRST STATED MRS. OLIVER ARM WAS NOT BROKEN THEN CHIEF OVERTON STATED HER ARM WAS BROKEN. MRS. OLIVER WAS TRANSPORTED TO MARIA PARHAM MEDICAL CENTER FOR FURTHER TREATMENT. WHEN I ARRIVED AT THE HOSPITAL I SPOKE WITH MRS. OLIVER. SHE STATED THAT DEPUTY WHITE WAS HARASSING HER. SHE STATED DEPUTY WHITE FOLLOWED HER ON SUNDAY FROM JOHN FOSTER HOMES UNTIL SHE PULLED INTO S&N FOOD MART ABOUT EIGHT OR NINE OCLOCK ON 10-21-2018. MRS. OLIVER STATED DEPUTY WHITE UP TO HER IN THE PARKING LOT TELLING HER ABOUT HER SPEEDING. SHE STATED WRITE ME A TICKET BECAUSE I KNOW MY RIGHTS. MRS.			
Officer Name / ID DEPUTY J. J. WHITE - 259	Officer Signature 	Date / Time Submitted 10-23-18 / 0400hrs	Page 4 of 5

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